

## AMENDMENT TO THE CLAIMS

1. (Currently amended) A series of dilators for use in surgery, each of said dilators having an outer surface for insertion into an access hole formed in a patient for parting ~~stretching~~ the tissue adjacent to the access hole so as to enlarge the same to define a surgical plane, wherein said outer surface of each of said dilators is ovoid in shape ~~shaped~~, an ovoid shaped cannula fitted over the largest diameter dilator of said series of dilators, said cannula having a wide channel so as to allow the surgeon to perform surgical procedures with sufficient opening to allow adequate visualization of the target area of said patient.

2. (Currently amended) A series of dilators for use in surgery, each of said dilators having an outer surface for insertion into an access hole formed in a patient for parting ~~stretching~~ the tissue adjacent to the access hole so as to enlarge the same as claimed in claim 1 wherein each of said dilators includes a proximal end and a distal end, and a tool engaging surface at the proximal end and a beveled portion at the distal end.

3. (Canceled)

4. (Currently amended) A dilator retractor for use in surgery having a main elongated body defining a straight through bore for fitting over a dilator and said dilator retractor being inserted on a target located at the area where the surgery is being performed and remaining in position of a patient when the dilator is removed and for use by a surgeon for performing the surgery, said dilator retractor having a distal end portion, said distal end portion being contoured to match the bone structure of the patient at said target and said dilator retractor being a wide channel to allow the surgeon to perform surgical procedures with sufficient opening with lighting for better viewing of the target area of said patient.

5. (Original) A dilator retractor for use in surgery as claimed in claim 4 wherein said contour is defined by a slope.

6. (Original) A dilator retractor for use in surgery as claimed in claim 4 wherein said contour is defined by a tunnel.

7. (Currently amended) A dilator retractor for use in surgery having a main elongated body defining a straight through bore for fitting over a dilator and said dilator retractor being inserted on a target located at the area where the surgery is being performed and remaining in position of a patient when the dilator is removed and for use by a surgeon for performing the surgery, said dilator retractor being a wide channel to allow the surgeon to perform surgical procedures with sufficient opening to allow the use lighting for a better viewing of the target area of said patient, wherein said main elongated body is other than circular in cross section.

8. (Original) A dilator retractor for use in surgery as claimed in claim 7 wherein said elongated body has a distal end, said distal end being contoured to accommodate the shape of the bone structure at said target of the patient.

9. (Original) A dilator retractor for use in surgery as claimed in claim 8 wherein said contour is defined by a slope.

10. (Original) A dilator retractor for use in surgery as claimed in claim 8 wherein said contour is defined by a tunnel.

11-14 (Canceled)

15. (Currently amended) In combination, a plurality of dilators and a dilator retractor, for use in performing surgery, each of said plurality of dilators having an ovoid shaped outer surface for fitting over the next preceding dilator of said plurality of dilators for insertion into an access hole formed in a patient for stretching the tissue adjacent to the access hole so as to enlarge the same, said dilator retractor having a complimentary ovoid shaped outer surface and dimensioned to fit over the last of said plurality of dilators and to remain in said patient when said dilators are

removed whereby the dilator retractor is used by the surgeon to perform the surgery, said dilator retractor having a wide channel so as to allow the surgeon to perform surgical procedures with sufficient opening to allow the use of a microscope and lighting of the target area of said patient.

16. (Original) In combination, a plurality of dilators and a dilator retractor as claimed in claim 15 wherein said dilator retractor is selected from a series of dilator retractors that have different lengths whereby the length selected matches the depth of cavity of the patient where the dilators were removed.

17.(Currently amended) A series of dilator retractors for use in surgery having a main elongated body defining a straight through bore for fitting over a dilator and said dilator retractor being inserted on a target located at the area where the surgery is being performed and remaining in position of a patient when the dilator is removed and for use by a surgeon for performing the surgery, each of said series of dilator retractors having a different length, each of said dilator retractor having a distal end portion, said distal end portion being contoured to match the bone structure of the patient at said target and one from said series being selected for use in the patient whose length matches the depth of cavity formed by the dilator, said dilator retractor having a wide channel so as to allow the surgeon to perform surgical procedures with sufficient opening to allow the use of lighting for better viewing of the target area of said patient.

18. (Original) A dilator retractor for use in surgery as claimed in claim 17 wherein said contour is defined by a slope.

19. (Original) A dilator retractor for use in surgery as claimed in claim 17 wherein said contour is defined by a tunnel.

20. (Currently amended) A dilator retractor for use in surgery as claimed in claim 19 having an outer surface for insertion into an access hole formed in a patient by dilators used for stretching the tissue adjacent to the access hole so as to enlarge the same wherein said outer

surface of said dilator retractor is funnel shaped and the larger diameter of the wherein said tunnel funnel shape is at the proximal end thereof whereby said tunnel of said the dilator retractor serves as a working channel for the surgeon to perform the surgical procedure and insert an implant.

21. (New) A cannula comprising:

a proximal end;

a distal end spaced apart a distance from the proximal end; and

and a lumen extending from the proximal end to the distal end, the lumen defining a working channel having a length sufficient to at least span from a skin incision to proximate a vertebra, the distal end being shaped to define a lateral passageway oriented at angle to the working channel.

22. (New) The cannula of claim 21, wherein the lateral passageway is oriented generally perpendicular to the working channel.

23. (New) The cannula of claim 21, wherein the lateral passageway is sized to pass an implant therethrough.

24. (New) The cannula of claim 23, wherein the implant is a spinal rod.

25. (New) The cannula of claim 21, a pair of opposed cut-outs formed in sidewalls of the distal end, the cut-outs defining the lateral passageway.

26. (New) A method of creating a working channel from a skin incision to proximate a vertebra, comprising:

making a skin incision,

inserting a distal end of a dilator into the skin incision,

advancing the distal end of the dilator into proximity to a vertebra, the dilator extending from proximate the vertebra to external to the skin incision,

inserting a cannula over the dilator,  
removing the dilator, a bore of the cannula defining a working channel from the skin incision to proximate the vertebra; and  
passing an implant through a lateral passage formed in the distal end of the cannula.

27. (New) A method of positioning an implant relative to a bone anchor, the method comprising:

positioning a cannula to define a working channel from a skin incision to a bone anchor coupled to a vertebra; and

passing an implant through a lateral passage formed in the distal end of the cannula and into the bone anchor.

28. (New) The method of claim 27, wherein the implant is a rod.

29. (New) The method of claim 27, wherein the bone anchor is a pedicle screw.